



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 24]

नई दिल्ली, शुक्रवार, अगस्त 17, 2007 / श्रावण 26, 1929

No. 24]

NEW DELHI, FRIDAY, AUGUST 17, 2007/26 SRAVANA, 1929

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bill was introduced in Lok Sabha on 17th August, 2007.

Bill No. 60 of 2007

A Bill to make special provisions for the National Capital Territory of Delhi for a further period of one year and for matters connected therewith or incidental thereto.

WHEREAS there had been phenomenal increase in the population of the National Capital Territory of Delhi owing to migration and other factors resulting in tremendous pressure on land and infrastructure leading to encroachment or unauthorised developments which are not in consonance with the concept of planned development as provided in the Master Plan of Delhi-2001 and the relevant Acts and building bye-laws made thereunder;

AND WHEREAS Master Plan of Delhi-2001 has been extensively modified and notified by the Central Government on 7th February, 2007 with the perspective for the year 2021 keeping in view the emerging new dimensions in urban development *vis-a-vis* the social, financial and other ground realities;

AND WHEREAS Master Plan of Delhi with the perspective for the year 2021 specifically provides for strategies for housing for urban poor as well as to deal with the informal sector;

AND WHEREAS a revised policy for relocation and rehabilitation of slum dwellers in the National Capital Territory of Delhi is also under consideration of the Central Government;

AND WHEREAS a strategy and a scheme has been prepared by the local authorities in the National Capital Territory of Delhi for regulation of urban street vendors in accordance with the national policy for Urban Street Vendors/Master Plan for Delhi-2021;

AND WHEREAS some time is required for making orderly arrangements in accordance with the revised policy for relocation and rehabilitation of slum dwellers of Delhi as well as for putting in place the scheme for regulation of urban street vendors in terms of the Master Plan of Delhi-2021 and also the national policy in this regard;

AND WHEREAS the Central Government is yet to take a considered view on the Policy regarding existing farm houses involving construction beyond permissible building limits and regarding schools, dispensaries, religious institutions and cultural institutions in rural areas built on agricultural land, *inter alia*, in the light of recommendations of the Expert Committees constituted by the Central Government in the year 2006;

AND WHEREAS, the Delhi Laws (Special Provisions) Act, 2006 was enacted on 19th May, 2006 to make special provisions for the areas of Delhi for a period of one year which lapsed on 18th May, 2007;

22 of 2006.

AND WHEREAS it is expedient to have a law in terms of the Master Plan of Delhi-2021, in continuation of the said Act for a further period of one year to provide temporary relief and to minimize avoidable hardship and irreparable loss to the people of the National Capital Territory of Delhi against any action by the concerned agency in respect of persons covered by the policies referred to above which are expected to be finalised within the period so extended;

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title,
extent,
commence-
ment and
duration

1. (1) This Act may be called the National Capital Territory of Delhi Laws (Special Provisions) Act, 2007.

(2) It extends to the National Capital Territory of Delhi.

(3) It shall be deemed to have come into force on the 19th day of May, 2007.

(4) It shall cease to have effect on the expiry of one year from the date of its commencement, except as respects things done or omitted to be done before such cesser, and upon such cesser section 6 of the General Clauses Act, 1897, shall apply as if this Act had then been repealed by a Central Act.

10 of 1897.

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) “building bye-laws” means bye-laws made under section 481 of the Delhi Municipal Corporation Act, 1957 or the bye-laws made under section 188, sub-section (3) of section 189 and sub-section (1) of section 190 of the Punjab Municipal Act, 1911, as in force in New Delhi or the regulations made under sub-section (1) of section 57 of the Delhi Development Act, 1957, relating to buildings;

66 of 1957.
Punjab Act 3
of 1911.

61 of 1957.

(b) “Delhi” means the entire area of the National Capital Territory of Delhi except the Delhi Cantonment as defined in clause (11) of section 2 of the Delhi Municipal Corporation Act, 1957;

66 of 1957.

(c) “encroachment” means unauthorised occupation of Government land or public land by way of putting temporary, semi-permanent or permanent structure for residential use or commercial use or any other use;

(d) “local authority” means the Delhi Municipal Corporation established under the Delhi Municipal Corporation Act, 1957 or the New Delhi Municipal Council established under the New Delhi Municipal Council Act, 1994 or the Delhi Development Authority established under the Delhi Development Act, 1957, legally entitled to exercise control in respect of the areas under their respective jurisdiction;

66 of 1957.
44 of 1994.
61 of 1957.

61 of 1957. (e) "Master Plan" means the Master Plan for Delhi with the perspective for the year 2021 notified *vide* notification number S.O. 141(E) on 7th February, 2007 under the Delhi Development Act, 1957;

(f) "notification" means a notification published in the Official Gazette;

(g) "punitive action" means action taken by a local authority under the relevant law against unauthorised development and shall include demolition, sealing of premises and displacement of persons or their business establishment from their existing location, whether in pursuance of court orders or otherwise;

(h) "relevant law" means in case of—

61 of 1957. (i) the Delhi Development Authority, the Delhi Development Act, 1957;

66 of 1957. (ii) the Municipal Corporation of Delhi, the Delhi Municipal Corporation Act, 1957; and

44 of 1994. (iii) the New Delhi Municipal Council, the New Delhi Municipal Council Act, 1994;

(f) "unauthorised development" means use of land or use of building or construction of building carried out in contravention of the sanctioned plans or without obtaining the sanction of plans, or in contravention of the land use as permitted under the Master Plan or Zonal Plan or layout plan, as the case may be, and includes any encroachment.

61 of 1957. (2) The words and expressions used but not defined herein shall have the meanings
66 of 1957. respectively assigned to them in the Delhi Development Act, 1957, the Delhi Municipal
44 of 1994. Corporation Act, 1957 and the New Delhi Municipal Council Act, 1994.

3. (1) Notwithstanding anything contained in any relevant law or any rules, regulations or bye-laws made thereunder, the Central Government shall within a period of one year of the coming into effect of this Act, take all possible measures to finalise norms, policy guidelines and feasible strategies to deal with the problem of encroachment or unauthorised development in the form of encroachment by slum dwellers and *Jhuggi-Jhopri* clusters, hawkers and urban street vendors, existing farm houses involving construction beyond permissible building limits, and schools, dispensaries, religious institutions, cultural institutions in rural areas built on agricultural land, as mentioned below:

Enforcement
to be kept in
abeyance.

(a) policy for relocation and rehabilitation of slum dwellers and *Jhuggi-Jhopri* clusters in accordance with provisions of Master Plan of Delhi-2021 to ensure development of Delhi in a sustainable, planned and humane manner;

(b) strategy for regulation of urban street vendors in consonance with the national policy for urban street vendors and hawkers as provided in Master Plan of Delhi-2021;

(c) policy regarding existing farm houses involving construction beyond permissible building limits; and

(d) policy regarding schools, dispensaries, religious institutions, cultural institutions in rural areas built on agricultural land.

(2) Subject to the provisions contained in sub-section (1) and notwithstanding any judgment, decree or order of any court, *status quo* as on the 1st day of January, 2006 shall be maintained in respect of encroachment or unauthorised development mentioned in sub-section (1).

(3) All notices issued by any local authority for initiating action against encroachment or unauthorised development referred to in sub-section (1), shall be deemed to have been suspended and no punitive action shall be taken during the said period of one year.

(4) Notwithstanding any other provision contained in this Act, the Central Government may, at any time before the expiry of one year, withdraw the exemption by notification, in respect of encroachment or unauthorised development mentioned in sub-section (2) or sub-section (3), as the case may be.

Provisions of this Act not to apply in certain cases:

4. During the period of operation of this Act, no relief shall be available under the provisions of section 3 in respect of the following encroachment or unauthorised development, namely:—

(a) encroachment on public land except in those cases which are covered under clauses (a) and (b) of sub-section (1) of section 3;

(b) removal of slums and *Jhuggi-Jhompr*i dwellers and hawkers and urban street vendors, in accordance with the relevant policies approved by the Central Government for clearance of land required for specific public projects.

Power of Central Government to give directions.

5. The Central Government may, from time to time, issue such directions to the local authorities as it may deem fit, for giving effect to the provisions of this Act and it shall be the duty of the local authorities, to comply with such directions.

Repeal and savings.

6. (1) The Delhi Laws (Special Provisions) Act, 2006 and the National Capital Territory of Delhi Laws (Special Provisions) Ordinance, 2007 are hereby repealed. 22 of 2006.
Ord. 6 of 2007.

(2) Notwithstanding such repeal, any thing done or any action taken under the Delhi Laws (Special Provisions) Act, 2006 and the National Capital Territory of Delhi Laws (Special Provisions) Ordinance, 2007, shall be deemed to have been done or taken under the corresponding provisions of this Act. 22 of 2006.
Ord. 6 of 2007.

STATEMENT OF OBJECTS AND REASONS

The planned development of the National Capital Territory of Delhi during the last 50 years has been guided by the successive Master Plans. The First Master Plan was notified in 1962 under the provisions of the Delhi Development Act, 1957. The plan was extensively amended in 1990 and the Master Plan 2001 was notified. The Master Plan 2001 was further amended with a perspective of the year 2021 and was notified in February, 2007. While the strategy of planned development of Delhi has by and large ensured rational integration and balanced growth of the city despite burgeoning growth of population, on the flip side it has failed to meet the ever increasing aspirations of the people leading to encroachment on public land, growth of slums, inadequacy of availability of housing, unauthorised construction, large scale commercialization of residential areas, etc.

2. In order to address these issues on priority and in view of the several directions/orders passed by the Hon'ble Supreme Court and the High Court of Delhi in various cases pending before them regarding the said issues, which were affecting the lives of millions of people in the City, the Delhi Laws (Special Provisions) Act, 2006 was enacted for a period of one year ending on May 18, 2007.

3. The Act, *inter alia*, provided that the Central Government shall, within a period of one year of the Act coming into effect, take all possible steps to finalise norms, policy guidelines and feasible strategies to deal with the problem of unauthorised development with regard to the under mentioned categories, —

- (a) mixed land use not conforming to the Master Plan,
- (b) construction beyond sanctioned plans, and
- (c) encroachments by slum and *Jhuggi-Jhopri* dwellers and hawkers and urban street vendors,

so that the development of Delhi takes place in a sustainable and planned manner.

4. The Act also provided that subject to the conditions contained in sub-section (1) of section 3 of the Act, notwithstanding any judgment, decree or order of any Court, *status quo* as on 1st day of January, 2006 shall be maintained in respect of categories of unauthorised development mentioned above. The Act also provided that all notices issued by the local bodies for initiating action against the categories of unauthorised developments referred to in sub-section (1) of section 3 of the Act shall be deemed to have been suspended and no punitive action shall be taken during the said period of one year. The Delhi Laws (Special Provisions) Act, 2006 was effective for a period of one year and has lapsed on May 18, 2007.

5. Later on, the Central Government notified the extensive modifications to the Master Plan for Delhi (MPD-2021) with the perspective year 2021 with effect from 7.2.2007. The Zonal Development Plans pursuant to the MPD 2021 are yet to be prepared. Therefore, it was felt that some more time is needed for making orderly arrangements, preparing policy guidelines and feasible strategies for the following categories of unauthorised development, namely:—

- (i) slum dwellers and JJ clusters;
- (ii) hawkers and urban street vendors;
- (iii) existing Farm Houses involving construction beyond permissible building limits; and
- (iv) schools, dispensaries, religious institutions and cultural institutions in rural areas built on agricultural land.

6. In the absence of a proper policy frame-work and/or strategy/scheme for regulation of the above mentioned categories of unauthorised developments and in the absence of

protection from punitive action, lot of avoidable hardships and irreparable loss have been caused to a sizeable number of people belonging to different sections of the society in the National Capital Territory of Delhi. The finalisation of policy frame-work on the above aspects will enable the Government to provide for a reasonable and lasting solution in a systematic and effective manner. This is likely to take some time and it will only be fair that no forcible action is taken in respect of any-violation/irregularity mentioned in respect of these categories of unauthorised developments till the finalisation of the policy frame work/guidelines.

7. The prevailing circumstance rendered it necessary for the President to promulgate the National Capital Territory of Delhi Laws (Special Provisions) Ordinance, 2007 on the 4th July, 2007 to give continuity to the efforts undertaken by the Government with a further duration of one year from the date of its promulgation *i.e.* 19th May, 2007 so as to complete the abovesaid course of action.

8. The National Capital Territory of Delhi Laws (Special Provisions) Bill, 2007 seeks to replace the National Capital Territory of Delhi Laws (Special Provisions) Ordinance, 2007.

S. JAIPAL REDDY.

NEW DELHI;
The 9th August, 2007.

P. D. T. ACHARY,
Secretary-General.